ATTORNEY DOCKET NO.: 2003080-0143 (SK-744-CON9)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Danishefsky *et al.*	Examiner:	
Serial No.:	10/726,386	Art Unit:	
Filing Date:	December 2, 2003		
Title:	Synthesis of Epothilones, Intermediates Thereto, Analogues and Uses Thereof		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

Enclosed are the following documents:

1. Form PTO-1449 (22 pages);
2. Information Disclosure Statement (6 pages); and
3. Return Postcard

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,

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Registration No. 46,533

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(617) 248-5000

Dated: March 24, 2004

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313
on 3-24-04
Sondra Saracco

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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

Type of Statement

The present Information Disclosure Statement is:

[X] An *original* Information Disclosure Statement; or

[ ] A *supplemental* Information Disclosure Statement.

Certificate of Mailing

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3-24-04 Sandra Saccocia
Date Signature

Sandra Saccocia
Typed or Printed Name of person signing certificate

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

[X] Pursuant to 37 CFR § 1.97(b); no fee or certification is required:

[ ] Within three months of the filing date of a national application other than a continued prosecution application under § **1.53(d)**;

[ ] Within three months of the date of entry of the national stage as set forth in **§ 1.491** in an international application;

[X] Before the mailing of a first Office action on the merits; or

[ ] Before the mailing of a first Office action after the filing of a request for continued examination under § **1.114**.

[ ] Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § **1.113**, a notice of allowance under § **1.311**, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:

[ ] Certifies that *either*:

[ ] each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

[ ] That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the

knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § **1.56(c)** more than three months prior to the filing of the information disclosure statement.; or

[ ] Includes herewith the fee set forth in § **1.17(p)**.

[ ] Pursuant to 37 CFR § 1.97(d), after the mailing date of any final action under § **1.113**, a notice of allowance under § **1.311**, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:

[ ] Certifies that *either*:

[ ] each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

[ ] That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § **1.56(c)** more than three months prior to the filing of the information disclosure statement.; and

[ ] Includes herewith the fee set forth in § **1.17(p)**.

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

[ ] A copy of each cited reference not indicated with an asterisk is included;

[X] Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

Serial Number	Filing Date	Status
10/695,582	October 28, 2003	Pending

[ ] Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

[X] Does not contain non-English language citations;

[ ] Does contain non-English language citations, for which an English language abstract is submitted.

[ ] Does contain non-English language citations which were cited on an International Search Report (a copy of which is enclosed herewith).

[ ] Includes one or more translations of a non-English citation.

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in **§ 1.56**(b) .

The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and

3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,

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(617) 248-4000

Dated: 3/24/04

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FORM PTO-1449 (REV. 8-83)	U.S. Department of Commerce Patent and Trademark Office	ATTY. DOCKET: 2003080-0143 (SK-744-CON9)	IN RE APPLICATION NO.: 10/726,386
INFORMATION DISCLOSURE STATEMENT *(Use several sheets if necessary)*		APPLICANT: Danishefsky *et al*	
		FILING DATE: December 2, 2003	GROUP:

U.S. PATENT DOCUMENTS

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	*6,096,757	Bishop	August 1, 2000	514	290
	*6,117,659	Ashley	September 12, 2000	435	155
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	*6,211,412	Georg	April 3, 2001	568	309
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	*6,262,107	Li	July 17, 2001	514	449
	*6,280,999	Gustafsson	August 28, 2001	435	252.3
	*6,407,103	Nugiel et al.	June 18, 2002	514	232.8
	*6,489,314	Ashley et al.	December 3, 2002	514	183
	*6,498,257	Vite et al.	December 24, 2002	548	205
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	*6,576,651	Bandyopadhyay et al.	June 10, 2003	514	365
	*6,593,115	Vite et al.	July 15, 2003	435	134
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	*6,603,023	Danishefsky et al.	August 5, 2003	549	346
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	*2002/0091269	Avery	July 11, 2002		
	*2002/0094991	Gallaher	July 18, 2002		
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	*2002/0119202	Hunter et al.	August 29, 2002		
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				Yes	No

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		FILING DATE: December 2, 2003	GROUP:

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	*WO 00/00485	PCT	30 June 1999		
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	*WO 99/66028	PCT	16 June 1999		
	*WO 99/65913	PCT	18 June 1999		
	*WO 99/59985	PCT	14 May 1999		
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	*WO 99/54330	PCT	14 April 1999		
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